



SUMMARIZED MINUTES

HISTORIC PRESERVATION COMMISSION

Nave, Community Design Studio

7506 E. Indian School Road

Scottsdale, Arizona

January 12, 2006

5:30 p.m.

ATTENDANCE

Present: Ed Wimmer, Chairman
George Hartz, Vice-Chairman
Nancy Dallett
Dezbah Hatathli
Kathy Howard
Paul Winslow

Absent: Lisa Loss

Staff: Debbie Abele
Don Meserve
Don Hadder, Sr.
Bruce Washburn, Assistant City Attorney

Also Present:

John Berry
Barney Gonzales
Beverly Hart
Larry Heiny
Joan Hoey
Sarah Stuckey
Susan Wood
Charles Wood
Spencer Wright

1. CALL TO ORDER

Chairman Wimmer called the meeting to order at 5:30 p.m.

2. INTRODUCTIONS AND ROLL CALL/ MINUTES

The presence of Commissioners as shown above was noted.

3. PUBLIC HEARING ITEM

TALIESIN WEST HP OVERLAY ZONING MAP AMENDMENT

The case for a public hearing by the Commission is concerning the property at 12621 N. Frank Lloyd Wright Blvd., cases number 6-HP-2005 and 21-ZN-2005.

Chairman Wimmer indicated that staff representatives, as well as the property owner, are present to address the issue.

Ms. Abele offered the staff report on cases number 6-HP-2005 and 21-ZN-2005, referencing materials that were distributed in a packet mailed to the Commissioners in association with this HP overlay zoning proposal. She presented a detailed history of the events and/or activities that led to the proposed HP designation for a portion of the Taliesin West property. She further offered background information explaining how the determination for HP designation of this property was made, as well as detailed information on the historical significance of this property. She concluded by stating that due to the historical significance of the property, staff, along with the Taliesin West HP Designation Committee of the Commission, are recommending that HP Overlay Zoning be applied to approximately 10-2/3 acres of Taliesin West to formally recognize the significance of the property and list it on the Scottsdale Historic Register.

Chairman Wimmer opened the floor for questions and comments from the Commission.

Commissioner Howard expressed great concern that only 10.6 acres of the 492 acres owned by the Frank Lloyd Wright Foundation at Taliesin West are to have HP designation. She stated that the limited amount of property "fails to account for the fundamental essence of Mr. Wright's architectural philosophy, integration of the natural and built environments." She referenced an article, as well as 125 pages of correspondence between Taliesin's staff that argues for the preservation of viewsheds. She stated that her concern is that in designating structures the Commission has overlooked the "most precious legacy Mr. Wright bestowed" upon the public; specifically views from the site of Weaver's Needle, the Superstitions, the SanTans, South Mountain, the Estrellas, and Camelback Mountain. She concluded by opining that the Historic Property overlay should be enlarged to include and preserve some of "these spectacular and historic views while there is still time."

Chairman Wimmer opened the floor for questions and comments from representatives of the Frank Lloyd Wright Foundation (Foundation), the property owner.

Mr. Berry indicated that the Foundation had nothing more to add. He expressed the gratitude of the Foundation for the time and effort spent by the Commission and it's Sub-Committee.

Chairman Wimmer opened the floor for questions and comments from the public.

Ms. Susan Wood addressed the Commission on behalf of Nan Nesvig, submitting a letter to the Commission for the public record. Reading excerpts from the letter, she indicated that Ms. Nesvig urged the Commission to provide additional restrictions on the land at this time. She opined that language should be inserted in the approval notice which will restrict changes to the zoning and disallow conversion back to R1-35 Taliesin zoning unless approved through a vote of the people. She quoted Randy Grant, stating that "it does not matter if the land is designated SC or HP, the City can and will revert back to original zoning on that land, ignoring the overlay placed on it."

Barney "B. J." Gonzales addressed the Commission. He expressed his gratitude to the Commission for the diligence in pursuing the zoning amendment for Taliesin. He encouraged the Commission to submit this special zoning to the City Council as soon as possible. He further encouraged the Commission to look at the SC Zoning for Taliesin as soon as possible. He opined that it is necessary to protect Taliesin as the "historic gem" that it is.

There being no other citizens wishing to speak, Chairman Wimmer closed the public testimony. In response to the public comments, Chairman Wimmer opined that the HPC hearing is limited in scope to considering the proposed HP overlay zoning for Taliesin West and that restricting zoning is outside the scope of the action before the HPC.

VICE-CHAIRMAN HARTZ MOVED TO APPROVE THE HP OVERLAY DESIGNATION OF TALIESIN WEST PROPERTY AS DEFINED WITHIN THE MAPS AND LEGAL DESCRIPTION OF THE BOUNDARIES THAT WERE PREVIOUSLY APPROVED FOR THE CASE.

The motion is made in recognition of the importance of Taliesin West to the history of the City of Scottsdale as an Arts and Tourist Destination, to its association with Frank Lloyd Wright, one of the most famous figures in the history of the Scottsdale area, and because of the unique and special architectural design of the structures at the Taliesin West location.

COMMISSIONER DALLETT SECONDED THE MOTION TO APPROVE THE HP OVERLAY DESIGNATION OF TALIESIN WEST PROPERTY AS DEFINED WITHIN THE MAPS AND LEGAL DESCRIPTION OF THE BOUNDARIES THAT WERE PREVIOUSLY APPROVED FOR THE CASE.

Commissioner Winslow commented on Commissioner Howard's earlier comment, noting that he supports the philosophy of her opinion. However, he indicated that he would vote on the designation as it has been proposed primarily because the views at Taliesin West have changed significantly due to the growth and development of the City. But even more importantly, he fears that adding complicated restrictions has the potential to cause unintended consequences to occur. He further opined that he is concerned that by postponing the HP designation in order to include the views at Taliesin West, the proposed overlay might become delayed indefinitely.

Commissioner Dallett agreed with Commissioner Winslow, but assured the Commission that we are in a good position with regards to HP at Taliesin, and that with Special Campus zoning, we can assure protection of the property and view sheds, and that also we can revisit this question in two years.

THE MOTION TO APPROVE THE HP OVERLAY DESIGNATION OF TALIESIN WEST PROPERTY AS DEFINED WITHIN THE MAPS AND LEGAL DESCRIPTION OF THE BOUNDARIES THAT WERE PREVIOUSLY APPROVED FOR THE PROJECT CARRIED BY A VOTE OF FIVE (5) TO ONE (1). COMMISSIONER HOWARD DISSENTED.

4. REGULAR AGENDA ITEMS

MINUTES: DECEMBER 1, 2005 SPECIAL MEETING

Commissioner Hartz noted that he was present at the December 1, 2005 Special Meeting, however, he is listed as absent on the meeting minutes.

COMMISSIONER DALLETT MOVED TO APPROVE THE DECEMBER 1, 2005 SPECIAL MEETING MINUTES AS AMENDED. COMMISSIONER HARTZ SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

PRESENTATION/DISCUSSION: E-MAILS AND OPEN MEETING LAW

Mr. Washburn distributed a copy of the published opinion of the Arizona Attorney General regarding the use of e-mail and possible violations of the Arizona Open Meeting Law to the Commission.

Mr. Washburn informed the Commission of the various fines that could be applied if a violation of the Open Meeting Law was determined to have occurred.

Mr. Washburn defined a meeting as the gathering of a quorum of a board or commission to discuss legal action, take legal action, deliberate about legal action or propose legal action. He further clarified that a gathering of a quorum could be accomplished serially via email simply by using the "forward" and/or "reply all" options available with most email programs.

Mr. Washburn referenced a memo by Debbie Robberson, City Attorney which advises the use of a signature line that states: "Do not disseminate this to other board members in order to avoid any Open Meeting Law violation."

Mr. Washburn presented various examples of emails that would not be considered in violation of the Open Meeting Law. He offered examples of terminology to be used to prevent violations of the Open Meeting Law.

Mr. Washburn stated that communications from staff to the Commission would not ever be in violation of the Open Meeting Law. Therefore, he suggests requesting staff to accumulate information and provide that information to the Commission.

Discussion ensued regarding possible violations of the Open Meeting Law and how to avoid those violations.

In response to a question by Chairman Wimmer, Mr. Washburn stated that the Open Meeting Law would apply to telephonic communications in the same way that it applies to email communications.

Further discussion ensued regarding possible violations of the Open Meeting Law and how to avoid those violations.

Vice-Chairman Hartz requested clarification on how the Open Meeting Law applies to committees. Chairman Wimmer clarified that the Promotion Committee in question is one that does not take any form of legal action. It is merely an educational committee which distributes flyers and other information. Mr. Washburn committed to acquire that specific information and report back to Mr. Meserve, who would then report the findings to the Commission.

In response to a question by Commissioner Howard, Mr. Washburn indicated that all research obtained by individual commissioners could be shared in open meetings in order to avoid a violation of the Open Meeting Law. Mr. Washburn will obtain information regarding whether or not research materials can be disseminated prior to a scheduled meeting.

In response to a question by Chairman Wimmer, Mr. Washburn clarified that a discussion could occur between commissioners so long as a quorum of the Commission was not present. Chairman Wimmer noted that a quorum of the HPC is four (4) members.

ELECTION OF CHAIR AND VICE-CHAIR FOR 2006

COMMISSIONER WINSLOW MOVED TO REINSTATE CHAIRMAN WIMMER AND VICE-CHAIRMAN HARTZ TO THEIR CURRENT POSITIONS ON THE COMMISSION. COMMISSIONER HOWARD SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SIX (6) TO ZERO (0).

VILLAGE GROVE AND TOWN AND COUNTRY PRESERVATION GUIDELINES

Ms. Abele recalled that the final three (3) chapters of the Village Grove Preservation Guidelines were previously emailed to the Commission. Ms. Abele also distributed copies of the complete draft of the Village Grove Preservation Guidelines. She noted that some changes had been made, and urged the Commission to review and revise as necessary. Ms. Abele requested approval of the guidelines text content at the February 2006 meeting, noting that approval of format would be requested at a later time. The initial guidelines will be used in the approval process of applications for changes requiring a building permit.

SATURDAY WORKSHOP FOR HISTORIC DISTRICT RESIDENTS

Ms. Abele indicated that the legal agreements have not yet been finalized and therefore, the date of the workshop has been changed to January 21, 2006, from 10:00 a.m. to 2:00 p.m. The rehab program presentation will occur at 10:00 a.m. and 1:00 p.m. Don Ryden, Architect will be available from 10:00 a.m. to 12:00 p.m. to assist homeowners with architectural design questions. Michael Kelly, Architect will be available from 11:00 a.m. to 1:00 p.m. and Bob Graham, Architect will be available from 12:00 p.m. to 2:00 p.m. to assist homeowners with architectural design.

Mr. Meserve stated that the postcard that was mailed to the residents requested an R.S.V.P. if architectural design assistance would be needed and noted that Wendy Crawford was currently the only resident to R.S.V.P. Residents should receive the postcard invitation sometime this week or next. Mr. Meserve already sent the workshop notice to residents on his email distribution lists for the two neighborhoods.

Mr. Meserve reported that staff is in the process of posting the application forms and legal documents on the website to allow residents easy access to those documents.

Ms. Abele indicated that the deadline for submission of rehab applications has been changed from February 1, 2006 to February 15, 2006 to give applicants time to prepare their plans.

RETREAT PLANNING FOR JANUARY 28TH ON 2006 WORK PROGRAM

Ms. Abele presented a draft 2006 Retreat agenda. The Retreat is scheduled to occur on January 28, 2006 beginning at 9:00 a.m. at the Hotel Valley Ho.

Discussion ensued regarding various topics to be added to the Retreat Agenda.

COMMITTEE REPORTS/MEETING SCHEDULES AND DISCUSSIONS

A. COMMUNITY OUTREACH COMMITTEE

Vice-Chairman Hartz addressed the Commission.

The next scheduled meeting for the Community Outreach Committee will occur on January 23, 2006.

Mr. Meserve distributed printed materials regarding Design Day, which will occur on February 25, 2006.

Chairman Wimmer questioned whether the Design Day flyer would cause confusion as to the purpose of that program, noting that it may or may not relate to other HPC events. Mr. Meserve indicated that there may be some confusion. Ms. Abele pointed out that materials distributed concerning HPC events have clear indications that they are from the HPC.

Chairman Wimmer expressed concerns that residents may believe that Design Day and the HPC Workshop are the same event.

B. HISTORIC REGISTER COMMITTEE

Commissioner Howard indicated that there was nothing to report.

Commissioner Dallett stated that the first meeting on the Special Campus Zoning of Taliesin West was held December 5, 2005. The next scheduled meeting will occur on January 19, 2006. She is the Commission's liaison for the Special Campus zoning.

Chairman Wimmer requested that a report on this Taliesin West Sub-Committee be placed on the agenda for the next scheduled HPC meeting.

HPO/STAFF REPORT AND ANNOUNCEMENTS

Ms. Abele recalled that last fall there was a temporary assignment recruitment by FEMA for historic preservation consultants to assist in the post-Katrina disaster relief of New Orleans in compliance with Section 106. Ms. Abele reported that she had been offered a 90-day assignment by FEMA. If the assignment is still available in February, she will be absent for three months through April.

Vice-Chairman Hartz requested that Ms. Abele offer a presentation upon her return from the assignment.

Mr. Meserve noted that the HPC Workshop would be held January 21, 2006. The Joint Meeting with the Planning Commission will be held February 8, 2006, 3:30 p.m. to 4:30 p.m. with an HPC meeting to follow. The Parada Del Sol will be held February 18, 2006.

Vice-Chairman Hartz inquired about the date for the posting of the street signs for the Scottsdale Historic Districts. Mr. Meserve stated that the signs are still in production and the signposting event has been postponed to February 11, 2006.

Ms. Abele stated that the street sign topic will be discussed further at the Retreat. The proposal is to have the Mayor, Council and Commission Members transported by van to the first site, then to the second site. This will allow for a more orderly event and fewer cars.

Chairman Wimmer expressed his hope that all Commissioners are available to attend the joint meeting with the Planning Commission on February 8, 2006. He opined that there has been a historic lack of understanding by the Planning Commission as to the functions and responsibilities of the Historic Preservation Commission. He stated that he would like to see that lack of understanding dissolved.

Mr. Meserve reported that the Planning Commission has elected new officers; effective February 8, 2006, Steve Steinberg will be the Chairman, and James Heitel will be Vice-Chairman.

Ms. Abele noted that Mr. Steinberg previously applied for appointment on the Historic Preservation Commission, and that he is interested in Historic Preservation.

In response to a question by Commissioner Dallett, Ms. Abele indicated that Taliesin West HP overlay zoning will go before the Planning Commission for a hearing on February 22, 2006, and City Council in April, 2006.

Vice-Chairman Hartz requested a correction of email address from a member of the public who indicated that Mr. Meserve had a current email address for him.

5. COMMISSIONER COMMENTS AND ANNOUNCEMENTS

None.

6. PUBLIC COMMENTS

None.

7. FUTURE MEETINGS AND AGENDA ITEMS

Historic Preservation Commission Retreat to be held at 9:00 a.m. on January 28, 2006 at the Hotel Valley Ho.

Historic Preservation Workshop for historic district residents will be held January 21, 2006.

Joint meeting with the Planning Commission will be held from 3:30 p.m. to 4:30 p.m. on February 8, 2006.

Historic Preservation Commission Meeting to will be held at 5:00 p.m. on February 8, 2006 following the joint meeting with the Planning Commission.

8. ADJOURNMENT

There being no other business to discuss, the meeting adjourned at 6:52 p.m.

Respectfully submitted,
A/V Tronics, Inc.